

MONTANA LEGISLATIVE HISTORY

BEST COPY
AVAILABLE

Chapter 596 1991

Bill H _____ S 288 Original bill & history ☒ c

H. Committee on TAXATION

Hearing Date(s) 3/21 ☒ c

~~Exec. Action~~ 4/4 ☒ c

_____ c

_____ c

Date Out _____ c

S. Committee on FINANCE & CLAIMS

Hearing Date(s) 2/13 ☒ c

~~Exec. Action~~ _____ c

_____ c

_____ c

_____ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

SENATE BILL NO. 288

INTRODUCED BY WILLIAMS
BY REQUEST OF THE DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES

IN THE SENATE

FEBRUARY 5, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
FEBRUARY 14, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 15, 1991	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 16, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 16, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION.
FEBRUARY 18, 1991	FIRST READING.
APRIL 4, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 11, 1991	SECOND READING, CONCURRED IN.
APRIL 12, 1991	THIRD READING, CONCURRED IN. AYES, 87; NOES, 11.
	RETURNED TO SENATE.

IN THE SENATE

APRIL 13, 1991	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

3/29 SIGNED BY GOVERNOR
CHAPTER NUMBER 283 EFFECTIVE DATE: 7/01/91

SB 284 INTRODUCED BY ECK, ET AL
ALLOWING CHILDREN'S TRUST FUND BOARD TO HIRE ITS OWN
STAFF
BY REQUEST OF MONTANA CHILDREN'S TRUST FUND BOARD

2/05	INTRODUCED		
2/06	REFERRED TO FINANCE & CLAIMS		
2/06	FIRST READING		
2/13	HEARING		
3/07	COMMITTEE REPORT—BILL PASSED		
3/08	2ND READING PASSED	49	0
3/09	3RD READING PASSED	41	7

TRANSMITTED TO HOUSE			
3/11	FIRST READING		
3/11	REFERRED TO HUMAN SERVICES & AGING		
3/22	HEARING		
3/23	COMMITTEE REPORT—BILL CONCURRED		
4/05	2ND READING CONCURRED	89	7
4/06	3RD READING CONCURRED	84	12

RETURNED TO SENATE			
4/13	SIGNED BY PRESIDENT		
4/15	SIGNED BY SPEAKER		
4/15	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
CHAPTER NUMBER 514			
EFFECTIVE DATE: 10/01/91			

SB 285 INTRODUCED BY ECK, ET AL
CREATING AN INTERAGENCY TASK FORCE ON ALCOHOL
PRICING

2/05	INTRODUCED		
2/06	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
2/06	FIRST READING		
2/13	HEARING		
2/14	FISCAL NOTE REQUESTED		
2/16	TABLED IN COMMITTEE		
2/18	FISCAL NOTE RECEIVED		
2/19	FISCAL NOTE PRINTED		

SB 286 INTRODUCED BY TVEIT, ET AL
CAPITAL COMPANY IN SMALL COUNTY OR CITY TO HAVE
\$50,000 CAPITAL

2/05	INTRODUCED		
2/06	REFERRED TO TAXATION		
2/06	FIRST READING		
2/18	HEARING		
2/19	TABLED IN COMMITTEE		

SB 287 INTRODUCED BY GAGE, ET AL
RECOGNIZE RIGHTS AND RESPONSIBILITIES OF PARENT WHO
PROVIDES HOME SCHOOL

2/05	INTRODUCED		
2/06	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/06	FIRST READING		
2/15	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED AS AMENDED	44	5
2/21	3RD READING PASSED	42	5
TRANSMITTED TO HOUSE			

3/04	FIRST READING		
3/04	REFERRED TO EDUCATION & CULTURAL RESOURCES		
3/19	HEARING		
4/02	COMMITTEE REPORT—BILL CONCURRED		
4/05	2ND READING CONCURRED	75	17
4/06	3RD READING CONCURRED	81	15

RETURNED TO SENATE			
4/13	SIGNED BY PRESIDENT		
4/15	SIGNED BY SPEAKER		
4/15	TRANSMITTED TO GOVERNOR		
4/17	SIGNED BY GOVERNOR		
CHAPTER NUMBER 444			
EFFECTIVE DATE: 10/01/91			

SB 288 INTRODUCED BY WILLIAMS
CREATE A SPECIAL REVENUE ACCOUNT FOR ASBESTOS
CONTROL PROGRAMS
BY REQUEST OF DEPARTMENT OF HEALTH &
ENVIRONMENTAL SCIENCES

2/05	INTRODUCED		
2/06	REFERRED TO FINANCE & CLAIMS		
2/06	FIRST READING		
2/06	FISCAL NOTE REQUESTED		
2/11	FISCAL NOTE RECEIVED		
2/11	FISCAL NOTE PRINTED		
2/13	HEARING		
2/14	COMMITTEE REPORT—BILL PASSED		
2/15	2ND READING PASSED	49	0
2/16	3RD READING PASSED	49	0

TRANSMITTED TO HOUSE			
2/18	FIRST READING		
2/18	REFERRED TO TAXATION		
3/21	HEARING		
4/04	COMMITTEE REPORT—BILL CONCURRED		
4/11	2ND READING CONCURRED	86	10
4/12	3RD READING CONCURRED	87	11

RETURNED TO SENATE			
4/18	SIGNED BY PRESIDENT		
4/20	SIGNED BY SPEAKER		
4/20	TRANSMITTED TO GOVERNOR		
4/24	SIGNED BY GOVERNOR		
CHAPTER NUMBER 596			
EFFECTIVE DATE: 7/01/91			

SB 289 INTRODUCED BY FRITZ, ET AL
REMOVING THE STATE LIBRARIAN FROM THE STATEWIDE
CLASSIFICATION AND PAY PLAN
BY REQUEST OF MONTANA STATE LIBRARY

2/06	INTRODUCED		
2/06	REFERRED TO STATE ADMINISTRATION		
2/06	FIRST READING		
2/06	FISCAL NOTE REQUESTED		
2/11	FISCAL NOTE RECEIVED		
2/12	FISCAL NOTE PRINTED		
2/15	HEARING		
2/16	COMMITTEE REPORT—BILL NOT PASSED		
2/16	ADVERSE COMMITTEE REPORT ADOPTED	38	4
2/18	MOTION FAILED TO RECONSIDER ADOPTION OF ADVERSE COMMITTEE REPORT	20	28

SB 290 INTRODUCED BY KOEHNKE
EXEMPT RENT OF SINGLE-AXLE DRIVE TRUCK FROM SPECIAL
FUEL USER PERMIT

1 *Senate* BILL NO. *288*
2 INTRODUCED BY *Walsh*
3 BY REQUEST OF THE DEPARTMENT OF HEALTH
4 AND ENVIRONMENTAL SCIENCES
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN ASBESTOS
7 CONTROL ACCOUNT IN THE STATE SPECIAL REVENUE FUND; TO
8 REQUIRE MONEY RECEIVED FROM THE COLLECTION OF CERTAIN FEES
9 AND PENALTIES TO BE DEPOSITED IN THE ACCOUNT; TO ALLOCATE
10 MONEY IN THE ACCOUNT TO THE DEPARTMENT OF HEALTH AND
11 ENVIRONMENTAL SCIENCES TO FUND ASBESTOS CONTROL PROGRAMS;
12 AMENDING SECTION 75-2-514, MCA; REPEALING SECTION 75-2-512,
13 MCA; AND PROVIDING AN EFFECTIVE DATE."
14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Asbestos control account. (1)

17 There is an asbestos control account in the state special
18 revenue fund. There must be deposited in the account all
19 money received from:

20 (a) fees collected under this part; and

21 (b) civil penalties collected pursuant to 75-2-514.

22 (2) Funds in the account are allocated to the
23 department for the purpose of funding the costs of
24 implementing and operating the asbestos control program
25 established under this part.

1 Section 2. Section 75-2-514, MCA, is amended to read:

2 "75-2-514. Criminal and civil penalties -- disposition
3 of civil penalties. (1) The department may suspend, deny, or
4 revoke the accreditation of or reprimand a person who:

5 (a) fraudulently or deceptively obtains or attempts to
6 obtain accreditation;

7 (b) fails to meet the qualifications for accreditation
8 or comply with the requirements of this part or any rule
9 adopted by the department; or

10 (c) fails to meet any applicable federal or state
11 standard for asbestos projects.

12 (2) Notwithstanding the provisions of any other law, a
13 person who purposely or knowingly violates any provision of
14 this part or an adopted rule or order issued pursuant to
15 this part is guilty of a misdemeanor.

16 (3) If the department determines that a violation of
17 this part or a rule promulgated pursuant to this part has
18 occurred, it may issue an order compelling the person
19 receiving the order to end the violation immediately.

20 (4) In addition to or instead of the remedies listed in
21 subsections (1) through (3), an accredited person who
22 purposely or knowingly violates this part or a rule adopted
23 pursuant to this part that concerns the conduct of an
24 asbestos project may be assessed a civil penalty by the
25 district court of not more than \$1,000 a day for an initial

1 violation and \$5,000 a day for each subsequent violation
2 occurring within a 3-year period from the date of the
3 initial violation.

4 (5) A district court may assess a civil penalty of not
5 more than \$25,000 a day upon a person who engages in an
6 asbestos project without valid accreditation or a permit. In
7 the case of a continuing violation, each day the violation
8 continues constitutes a separate violation.

9 (6) Civil penalties collected under this part must be
10 deposited into the ~~resource-indemnity-trust-fund-created--in~~
11 ~~15-38-201~~ account established in [section 1]."

12 NEW SECTION. Section 3. Repealer. Section 75-2-512,
13 MCA, is repealed.

14 NEW SECTION. Section 4. Codification instruction.
15 [Section 1] is intended to be codified as an integral part
16 of Title 75, chapter 2, part 5, and the provisions of Title
17 75, chapter 2, part 5, apply to [section 1].

18 NEW SECTION. Section 5. Effective date. [This act] is
19 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0288, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to create an asbestos control account in the state special revenue; to require money received from the collection of certain fees and penalties to be deposited in the account; to allocate money in the account to the Department of Health and Environmental Sciences to fund asbestos control programs.

ASSUMPTIONS:

1. Expenditures currently budgeted from the Hazardous Waste/CERCLA account would be budgeted from the asbestos control account.

FISCAL IMPACT:

None.



ROD SUNDSTED, BUDGET DIRECTOR
Office of Budget and Program Planning

2-9-91

DATE



BOB WILLIAMS, PRIMARY SPONSOR

2/11/91

DATE

Fiscal Note for SB0288, as introduced.

SB 288

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE & CLAIMS

Call to Order: By Chairman Judy Jacobson, on February 13, 1991,
at 5:15 p.m.

ROLL CALL

Members Present:

Judy Jacobson, Chairman (D)
Greg Jergeson, Vice Chairman (D)
Gary Aklestad (R)
Thomas Beck (R)
Esther Bengtson (D)
Gerry Devlin (R)
Harry Fritz (D)
Ethel Harding (R)
Thomas Keating (R)
Dennis Nathe (R)
Larry Tveit (R)
Eleanor Vaughn (D)
Mignon Waterman (D)

Members Excused: Richard Manning (D)

Staff Present: Teresa Olcott Cohea(LFA).

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion: NONE.

HEARING ON SENATE BILL 288

Presentation and Opening Statement by Sponsor:

Senator Bob Williams, District 15, Hobson, said Senate Bill 288 came about in the 1989 session on Senate Bill 270, which was the asbestos abatement bill. It was funded through the RIT funds. He stated it was their intent to make the program self-sufficient. It is self-sufficient; all this bill does is to set up a fund for the fees collected to go into it and also the penalties collected will go into this fund too. He stated the fiscal note showed no fiscal impact.

Proponents' Testimony:

Adrian C. Howe, Chief of the Occupational Health Bureau,

presented written testimony in support of the bill. (Exhibit #1)

Opponents' Testimony:

NONE.

Questions from Committee Members:

Senator Devlin asked if there were RIT funds moving into this at the present time. Senator Williams said there were not.

Closing by Sponsor

Senator Williams said SB 288 would make the asbestos control program entirely self-sufficient by fees and penalties, as was the original intent of the legislature. The workload history establishes we are able to do that and we are confident that we will be able to continue funding it this way. The fees are restricted by statute to the cost of the program operation and is subject to periodic review. He said if penalties are collected and deposited in the special revenue funds above what are needed, we can decrease the fees and leave the penalties.

HEARING ON SENATE BILL 269

Presentation and Opening Statement by Sponsor:

Senator Aklestad, District 6, Galata, stated Senate Bill 269 will restructure the State medical program and will give a new management tool to the department in Helena. Part of the management tool would be to screen applicants for the program. The screening process would be primarily for two different types of clients, the Acute Care and the Chronic Care. The acute care would take care of those on the short term and the chronic care would take care of those on the long term. This new program will give the department more latitude and still serve those deserving to be served by the program. It would reduce the general fund, and most of the savings would be because of the different funding mechanism.

Proponents' Testimony:

Julia Robinson, Director of the Department of Social and Rehabilitation Services stated they think this is a very important bill and wants everyone to understand their proposals. The State Medical Program was originally designed to pay for medical care for certain low income Montanans who have nowhere else to go. They don't have health insurance and they don't qualify for any other state or federally funded programs, such as Medicaid or Medicare. The services the department provides are similar in amounts, scope and duration to the services available for Montana Medicaid Program. This program is unique in that it is not offered across the state. It is offered only in the 12 state-assumed counties and it is 100% state general fund program.

Motion:

Senator Jergeson moved amendments to Senate Bill 123.

Senator Jergeson moved Senate Bill 123 as amended.

Discussion:

Senator Jergeson said his amendments would strike almost everything except they will make it permissive for this Weed Council to make grants to the experiment station and Extension Service for research, evaluation and education projects on cropland weeds. This has been endorsed by Reps. Thoft and Grady who are particularly concerned about the impact of SB 123 as introduced.

Senator Jacobson asked if those positions presently funded by general fund, is there anything in the bill that says the general fund money will revert.

Senator Jergeson said these grants that could be given by the council would be to those scientists for work on cropland weed control.

Amendments, Discussion, and Votes:

Motion on amendments CARRIED.

Recommendation and Vote:

Senate Bill 123 DO PASS as amended motion CARRIED.

EXECUTIVE ACTION ON SENATE BILL 288

Motion:

Senator Aklestad moved Senate Bill 288.

Discussion:

NONE.

Recommendation and Vote:

Senate Bill 288 DO PASS motion CARRIED.

EXECUTIVE ACTION ON HOUSE BILL 38

ROLL CALL

FINANCE & CLAIMS COMMITTEE

DATE 2/13/91

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACOBSON CHAIRMAN	P		
SENATOR JERGSON, VICE CHAIRMAN	P		
SENATOR AKLESTAD	P		
SENATOR BECK	P		
SENATOR BENGTSO	P		
SENATOR BIANCHI			
SENATOR DEVLIN	P		
SENATOR FRITZ	P		
SENATOR HAMMOND			
SENATOR HARDING	P		
SENATOR HOCKETT			
SENATOR KEATING	P		
SENATOR MANNING			E
SENATOR NATHE	P		
SENATOR STIMATZ			

Each day attach to minutes.

FINANCE & CLAIMS COMMITTEE, CONTINUED

LEGISLATIVE SESSION

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 14, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration Senate Bill No. 283 (first reading copy -- white), respectfully report that Senate Bill No. 283 do pass.

Signed: Judy H. Jacobson
Judy H. Jacobson, Chairman

Handwritten 2/14/91
Amd. Coord.

SR 2/14/91 11:00
Sec. of Senate

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

TESTIMONY
on
SENATE BILL NO. 288

Presented by Adrian C. Howe

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN ASBESTOS CONTROL ACCOUNT IN THE STATE SPECIAL REVENUE FUND; TO REQUIRE MONEY RECEIVED FROM THE COLLECTION OF CERTAIN FEES AND PENALTIES TO BE DEPOSITED IN THE ACCOUNT; TO ALLOCATE MONEY IN THE ACCOUNT TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO FUND ASBESTOS CONTROL PROGRAMS; AMENDING SECTION 75-2-514, MCA; REPEALING SECTION 75-2-512, MCA; AND PROVIDING AN EFFECTIVE DATE."

The 51st Legislature established the Asbestos Control Program within the Department of Health and Environmental Sciences (DHES). At that time, there was no established history on the numbers of individuals needing accreditation in the asbestos related occupations or the number of asbestos abatement projects in the state. Therefore, to provide a stable funding source for the program, funding was established from the 16% Resource Indemnity Trust Fund (RIT) allocated to DHES with all fees and penalties deposited back into the RIT. The workload history established during the first year of operation indicates that the program would generate sufficient revenue to be entirely self-supporting as was the original intention.

If enacted, Senate Bill No. 288 will merely change the funding source for the Asbestos Control Program from the RIT to the Asbestos Control Account. This in effect would make the program entirely self-supporting, rather than being able to draw expenditures from the RIT. The Appropriations Committee has funded the Asbestos Control Program during the next biennium from fee funds, as requested by DHES in anticipation of enactment of the proposed legislation contained in Senate Bill No. 288 establishing the Asbestos Control Account in the State Special Revenue Fund. Therefore passage of Senate Bill No. 288 will have no fiscal impact on the program.

On behalf of the DHES, I ask that the Committee favorably consider this bill. Thank you.

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 1

DATE 2/13/91

BILL NO. SB 288

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 13 day of February, 1991.

Name: Adrian C. Howe

Address: All 3 Coagwell Building - Capital Station
Helena, MT 59620

Telephone Number: 444-3671

Representing whom?

Montana Dept. of Health and Environmental Sciences

Appearing on which proposal?

SB 288

Do you: Support? X Amend? Oppose?

Comments:

Prepared Testimony.

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 1

DATE 2/13/91

BILL NO. SB 288

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

eligibility for low income property tax reduction and the residential property tax credit for the elderly. Currently, when a spouse enters a nursing home; the social security check follows. The remaining spouse takes on a job to fill the gap in their income. Additional income often pushes the total above the \$13,000 that is allowed in the calculation.

HB 904 inserts in the various portions of the law the statement "but not including social security income paid directly to a nursing home".

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

REP. KASTEN made no closing statement.

HEARING ON SB 288

Presentation and Opening Statement by Sponsor:

SEN. WILLIAMS, Senate District 15, Hobson, stated SB 288 came about because of action in the last session addressing the asbestos safety program. This bill would simply change the funding of the program which is already a self funding program. SB 288 would change the funding from the asbestos control program in the RITT to the asbestos control account. This would make the account entirely self-supporting rather than withdrawing expenditures from the RITT.

Proponents' Testimony:

Adrian Howe, Department of Health and Environmental Sciences, provided written testimony. EXHIBIT 1

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

SEN. WILLIAMS stated that the fees being charged are restricted by statute to the cost of the program operation. As such, they are subject to a periodic review in conjunction with the review

of the programs resource needs. If penalties are collected and deposited in the special revenue account, the result would be a decrease in the fees being charged. He urged the committee's support and stated that REP. HARPER will carry the bill.

HEARING ON HB 986

Presentation and Opening Statement by Sponsor:

REP. GILBERT, House District 22, Sidney, stated HB 986 would add two cents a gallon to the aviation fuel tax collected by the state. There has not been a tax increase on aviation fuel in a number of years. At one time, the Aeronautics Division had a trust account which was used to match the federal government funds to improve small airports in the state. This account is now gone.

One cent a gallon provides \$350,000 per year to run the entire Aeronautics Division which includes maintenance of beacons and all other things associated with it. This is not enough money to do the job. We are a very large state and have many aviation concerns. The majority of the aircraft used in the state are being used at smaller airports. This is primarily where the bulk of the money goes.

One cent of the money collected will go into a special account to provide loans and grants to local governments. He provided the committee with information on the aviation fuel taxes in the surrounding states. EXHIBITS 2,3

REP. GILBERT went on to say that weather flight service stations will be closing in the state. There is a new system where a pilot can go into an airport and receive a weather forecast for his area. North Dakota, with a eight cent aviation fuel tax, has eight of them. It is because they have a fuel tax which provides this for the people.

He and REP. SCHYE made a determination not to introduce the bill until after the aviation conference in Kalispell because they wanted to know that they had support from all the aviation in the state. When they came out of the conference, they had the support of every aviation group that was present.

Proponents' Testimony:

Joel Fenger, Montana Aeronautics Board, provided written testimony. EXHIBIT 4

HOUSE TAXATION COMMITTEE

March 21, 1991

Page 21 of 25

assessment as assessed value. REP. COHEN asked if the word "special" would be better. Ms. Rippingale said yes.

Motion/Vote: REP. COHEN moved to amend HB 947. EXHIBIT 21
Motion carried unanimously by voice vote.

Motion/Vote: CHAIR HARRINGTON MADE A SUBSTITUTE MOTION THAT HB 947 DO PASS AS AMENDED. Motion carried 19 to 2 with REPS. GILBERT and STANG voting no.

EXECUTIVE ACTION ON SB 279

Motion/Vote: REP. STANG MOVED sb 279 BE CONCURRED IN. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 288

Discussion:

REP. O'KEEFE asked where the money comes from. CHAIR HARRINGTON said the money was already there. The money comes out of a special revenue that is required by certain fees and penalties is deposited into a special account. REP. O'KEEFE asked if instead of going into the RITT fund, it will go into a special revenue account. CHAIR HARRINGTON said yes and suggested that SB 288 be passed for the day.

Vote: NO ACTION WAS TAKEN ON SB 288.

EXECUTIVE ACTION ON HB 518

Motion: REP. FOSTER MOVED HB 518 DO PASS.

Discussion:

REP. COHEN explained the amendments. He stated the amendments were brought to the subcommittee by Chuck Stearns, Finance Officer, Missoula. He stated the amendments would create no extra burden on anyone.

Motion//Vote: REP. HOFFMAN moved to amend HB 518. EXHIBIT 22
Motion carried 20 to 1 with REP. HARRINGTON voting no.

Motion: REP. FOSTER moved to further amend HB 518 to include school districts

HOUSE OF REPRESENTATIVES

TAXATION COMMITTEE

ROLL CALL

DATE 3/21/91

NAME	PRESENT	ABSENT	EXCUSED
REP. DAN HARRINGTON	✓		
REP. BEN COHEN, VICE-CHAIRMAN	✓		
REP. BOB REAM, VICE-CHAIRMAN	✓		
REP. ED DOLEZAL	✓		
REP. JIM ELLIOTT	✓		
REP. ORVAL ELLISON	✓		
REP. RUSSELL FAGG	✓		
REP. MIKE FOSTER	✓		
REP. BOB GILBERT	✓		
REP. MARIAN HANSON	✓		
REP. DAVID HOFFMAN	✓		
REP. JIM MADISON	✓		
REP. ED MCCAFFREE	✓		
REP. BEA MCCARTHY	✓		
REP. TOM NELSON	✓		
REP. MARK O'KEEFE	✓		
REP. BOB RANEY	✓		
REP. TED SCHYE	✓		
REP. BARRY "SPOOK" STANG	✓		
REP. FRED THOMAS	✓		
REP. DAVE WANZENRIED	✓		

all here.

EXHIBIT 1
DATE 3-21-1991
HB SB 288

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

TESTIMONY
on
SENATE BILL NO. 288

Presented by Adrian C. Howe

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN ASBESTOS CONTROL ACCOUNT IN THE STATE SPECIAL REVENUE FUND; TO REQUIRE MONEY RECEIVED FROM THE COLLECTION OF CERTAIN FEES AND PENALTIES TO BE DEPOSITED IN THE ACCOUNT; TO ALLOCATE MONEY IN THE ACCOUNT TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO FUND ASBESTOS CONTROL PROGRAMS; AMENDING SECTION 75-2-514, MCA; REPEALING SECTION 75-2-512, MCA; AND PROVIDING AN EFFECTIVE DATE."

The 51st Legislature established the Asbestos Control Program within the Department of Health and Environmental Sciences (DHES). At that time, there was no established history on the numbers of individuals needing accreditation in the asbestos related occupations or the number of asbestos abatement projects in the state. Therefore, to establish a stable funding source for the program, funding was established as the Resource Indemnity Trust Fund (RIT) with all fees and penalties deposited back into the RIT. The workload history established during the first year of operation indicates that the program would generate sufficient revenue to be entirely self-supporting as was the original intention.

If enacted, Senate Bill No. 288 will merely change the funding source for the Asbestos Control Program from the RIT to the Asbestos Control Account. This in effect would make the program entirely self-supporting, rather than being able to draw expenditures from the RIT. The Appropriations Committee has funded the Asbestos Control Program during the next biennium from fee funds, as requested by DHES in anticipation of enactment of the proposed legislation contained in Senate Bill No. 288 establishing the Asbestos Control Account in the State Special Revenue Fund. Therefore passage of Senate Bill No. 288 will have no fiscal impact on the program.

On behalf of the DHES, I ask that the Committee favorably consider this bill. Thank you.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

DATE 3/21 Taxation COMMITTEE BILL NO. SB 288
SPONSOR(S) Sen Williams

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Adrian C. Howe	DHES	288		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

EXECUTIVE ACTION ON SB 69

Motion/Vote: REP. FAGG MOVED SB 69 BE CONCURRED IN. Motion carried 20 to 1 with REP. STANG voting no.

EXECUTIVE ACTION ON SB 26

Motion/Vote: REP. STANG MOVED SB 26 BE CONCURRED IN. Motion carried 20 to 1 with REP. GILBERT voting no.

EXECUTIVE ACTION ON SB 288

Motion/Vote: REP. MCCARTHY MOVED SB 288 BE CONCURRED IN. Motion carried unanimously.

HEARING ON SB 299

Presentation and Opening Statement by Sponsor:

REP. REAM made the opening statement for SEN. HALLIGAN, Senate District 29, Missoula, the sponsor of SB 299. He stated that the proponent would address the bill.

Proponents' Testimony:

Ward Shanahan, Attorney, Helena, said SB 299 is a bill to amend the present provisions involving interlocutory appeals from tax proceedings. This is a matter that has been wrangled over between lawyers, accountants, and DOR for many years. They got together and drafted this bill which corrects the procedural problem which will allow you to hear a tax case without having to go through a factual hearing before the state takes the appeal. He urged the committee's support.

Opponents' Testimony: None

Questions From Committee Members:

REP. RANEY asked Ward Shanahan what an interlocutory adjudication was. Mr. Shanahan said that when a tax proceeding is started, it begins with an informal hearing before the DOR. This is the opportunity for an informal discussion that either hardens or softens the discussion between DOR and the taxpayer. When you get to the end of that discussion, you have to go to the state Tax Appeal Board. The Tax Appeal Board is not composed of lawyers, and the courts have held that it doesn't have the right to make rulings on what statutes and regulations mean. The Tax Appeal Board hears the factual issues about property valuations. Interlocutory adjudication is a way of trying to speed up the proceedings and is called interlocutory because it takes place before a final decision on an issue.

HOUSE OF REPRESENTATIVES

TAXATION COMMITTEE

ROLL CALL

DATE 4-4-91

NAME	PRESENT	ABSENT	EXCUSED
REP. DAN HARRINGTON	✓		
REP. BEN COHEN, VICE-CHAIRMAN	✓		
REP. BOB REAM, VICE-CHAIRMAN	✓		
REP. ED DOLEZAL	✓		
REP. JIM ELLIOTT	✓		
REP. ORVAL ELLISON	✓		
REP. RUSSELL FAGG	✓		
REP. MIKE FOSTER	✓		
REP. BOB GILBERT	✓		
REP. MARIAN HANSON	✓		
REP. DAVID HOFFMAN	✓		
REP. JIM MADISON	✓		
REP. ED MCCAFFREE	✓		
REP. BEA MCCARTHY	✓		
REP. TOM NELSON	✓		
REP. MARK O'KEEFE	✓		
REP. BOB RANEY	✓		
REP. TED SCHYE	✓		
REP. BARRY "SPOOK" STANG	✓		
REP. FRED THOMAS	✓		
REP. DAVE WANZENRIED	✓		

HOUSE STANDING COMMITTEE REPORT

April 4, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Taxation report that Senate Bill 288 (third reading copy -- blue) be concurred in .

Signed: *Dan Harrington*
Dan Harrington, Chairman

Carried by: Rep. McCarthy